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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,286	07/31/2003	Carl R. Strathmeyer	1020.P16477	5085
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KACVINSKY LLC C/O INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER WONG, XAVIER S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,286	Applicant(s) STRATHMEYER, CARL R.	
	Examiner Xavier Szewai Wong	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30th January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims **1, 16, 19** and **23-26** have been amended

Claims **1-26** are pending

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1 – 7, 8, 10 – 17, 19 – 21** and **23 – 26** are rejected under 35 U.S.C. 102(b) as being anticipated by **Nishidate (JP 2002-109194 A)** **refer to *certified English translation*, in view of **Nance et al (US 2001/0043591 A1)**.

Consider claims **1, 16** and **23**, **Nishidate** discloses an apparatus and computer-readable medium that executes instructions to manage information comprising: receiving a first request for caller information at a web server during a call session initiated in response to a telephone call from a caller (paragraph 0033; customer initiates

call to operator / client terminal 50); retrieving call information associated with the call session at the web server (paragraph 0033; web server acquires a call number); retrieving the caller information using the call information, wherein the caller information comprising an IVR script or a web page template associated with the caller (paragraphs 0035-36; IVR ... web content information that a customer is referring to is notified to a web server from client terminal ... displaying in a web browser); retrieving call context information from a CTI server that registered the telephone call (paragraph 0040; CTI server search customer database); acquires the caller information and the call context information (paragraph 0041). However, **Nishidate** may not have *specifically* mentioned the generating a dynamic webpage at the web server using the acquired caller information and the call context information and sending the web page in response to the first request. **Nance** et al disclose a Java-client (called party) requests a new web page from a Web Server, displaying the inbound caller ID information (of an inbound call with context information) along with the available call options (paragraph 0030; fig. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the web server and generate web page with (inbound) caller information using caller context and information as described by **Nance** et al to the web server and caller identification acquiring procedures of **Nishidate** to allow client to control incoming calls through a platform independent web browser.

Consider claims **2**, **13** and **17**, and as applied to claims **1**, **2** and **16**, **Nishidate**, as modified by **Nance** et al, discloses the web server, in response to the first request, prompts the customer to enter his/her customer ID as a first identifier (Paragraph 0031);

and based on the customer ID and input, a web access (second) request is sent to a customer database 23 (paragraph 0031); the database responds (to the second request) with web contents in a browser – as call/caller information interface – with “response window information” including information from a CTI server – that the customer requested (paragraphs 0031-32 & 0040).

Consider claim 3, and as applied to claim 2, **Nishidate**, as modified by **Nance et al**, discloses the customer ID (first identifier) is a telephone number/line in the call session (paragraph 0033; fig. 13).

Consider claims 4 and 14, and as applied to claims 1 and 4, **Nishidate**, as modified by **Nance et al**, discloses a web server 22 receiving a first request from a customer dial-up connection (paragraph 0030); the web server receives call information such as customer ID and information from customer database 23 through a customer “search input” – retrieval key (paragraph 0031); a response to the first request comes along with a (dynamic) webpage that is delivered to the customer’s browser 100 (paragraphs 0031-32); a Security Policy Server keeps track of call session information such as packet and log information (paragraph 0032). The first identifier is the telephone number/line (paragraph 0033); second identifier is a “call number” yielded by a CTI server to the web server as a response to the second (web access) request (paragraph 0033). The second identifier (“call number”) yielded by a CTI server to the web server as a response to a second (web access) request (paragraph 0033); then a third request is sent to an IVR server and is relayed to a voice server; once the second identifier (customer number) is verified, (caller) information requested by the customer will

be sent to the web browser (paragraphs 0033-36); such information are retrieved/stored in database 23 (paragraph 0040).

Consider claim 5, and as applied to claim 4, **Nishidate**, as modified by **Nance** et al, discloses first identifier is the telephone number/line (paragraph 0033); second identifier is a “call number” yielded by a CTI server to the web server as a response to the second (web access) request (paragraph 0033); such information are stored in database 23 (paragraph 0040).

Consider claims 6 and 15, and as applied to claims 1 and 6, **Nishidate**, as modified by **Nance** et al, discloses a second identifier (“call number”) yielded by a CTI server to the web server as a response to a second (web access) request (paragraph 0033); then a third request is sent to an IVR server and is relayed to a voice server; once the second identifier (customer number) is verified, (caller) information requested by the customer will be sent to the web browser (paragraphs 0033-36); caller information is retrieved from database 23 (paragraph 0040).

Consider claim 7, and as applied to claim 6, **Nishidate**, as modified by **Nance** et al, discloses the “call number” that comprises the customer’s telephone number or “internet address” (paragraph 0033).

Consider claims 10 – 12, and as applied to claims 1 and 10, **Nishidate**, as modified by **Nance** et al, discloses receiving a telephone call and registering/storing call in a database (paragraphs 0011-13); receiving a web server 22 receiving a first request from a customer dial-up connection (paragraph 0030); the web server receives call information such as customer ID and information from customer database 23 through a

customer “search input” – retrieval key (paragraph 0031); a response to the first request comes along with a (dynamic) webpage that is delivered to the customer’s browser 100 (paragraphs 0031-32); a Security Policy Server keeps track of call session information such as packet and log information (paragraph 0032); voice/audible response is achievable (paragraph 0033-34); (Figs. 9 & 12).

Consider claims **24** and **26**, and as applied to claim **23**, are rejected in the same grounds as claim **2**.

Consider claim **25**, and as applied to claim **23**, is rejected in the same grounds as claim **4**.

Consider claim **8**, and as applied to claim **6**, though **Nishidate**, as modified by **Nance** et al, may not explicitly disclose an account number and PIN for the second identifier, it would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of logging on to a server using account number and PIN, such as a logging on to a credit card company web portal to inquire balances, for network security purposes.

Consider claim **19**, **Nishidate** discloses a system to manage information comprising: receiving a first request for caller information at a web server during a call session initiated in response to a telephone call from a caller (paragraph 0033; customer initiates call to operator / client terminal 50); a CWS interface (e.g. CTI-web integrated) retrieving call information associated with the call session at the web server (paragraph 0033; web server acquires a call number); retrieving the caller information using the call information, wherein the caller information comprising an IVR script or a web page

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template associated with the caller (paragraphs 0035-36; IVR ... web content information that a customer is referring to is notified to a web server from client terminal ... displaying in a web browser); retrieving call context information from a CTI server that registered the telephone call (paragraph 0040; CTI server search customer database); acquires the caller information and the call context information (paragraph 0041).

However, **Nishidate** may not have *specifically* mentioned the generating a dynamic webpage at the web server using the acquired caller information and the call context information and sending the web page in response to the first request. **Nance** et al disclose a Java-client (called party) requests a new web page from a Web Server, displaying the inbound caller ID information (of an inbound call with context information) along with the available call options (paragraph 0030; fig. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the web server and generate web page with (inbound) caller information using caller context and information as described by **Nance** et al to the web server and caller identification acquiring procedures of **Nishidate** to allow client to control incoming calls through a platform independent web browser. Though **Nishidate** and **Nance** et al may not *specifically* mentioned the retrieving of information through an antenna, the examiner takes official notice that it would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of an antenna for retrieving information since the retrieving device may be mobile, which may require an antenna to receive signals. e.g. in WiFi and Bluetooth.

Consider claim **20**, and as applied to claim **19**, **Nishidate**, as modified by **Nance et al**, discloses the IVR and voice servers within the contact center system 22/media server (re)produce web pages with audible response (paragraphs 0035-36); telephone system to establish call session between caller/customer and media server/contact center system (paragraphs 0020 & 0022-24); database that stores call and caller information (paragraph 0043); browser/interface retrieves information from the database and web page is generated (paragraphs 0031 & 0036).

Consider claim **21**, and as applied to claim **20**, **Nishidate**, as modified by **Nance et al**, discloses module 22 – Contact Center System – comprises all voice/media server, IVR server and CTI server, etc (paragraph 0015).

Claims **9** and **22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishidate (JP 2002-109194 A)** in view of **Nance et al (US 2001/0043591 A1)**, as applied to claims **1** and **20**, and in further view of **Bondarenko et al (U.S. Pub 2004/0083479 A1)**.

Consider claim **9**, and as applied to claim **1**, **Nishidate**, as modified by **Nance et al**, discloses the claimed invention except the webpage is a script for an IVR system. **Bondarenko et al** disclose an XML-markup language for IVR scripting for voice postings on a web site (paragraphs 0137 & 0141; fig. 12). It would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of a webpage as a script for IVR system as taught by

Bondarenko et al, in the method of **Nishidate**, as modified by **Nance et al**, because the XML protocol enables a higher level of abstraction in dealing with languages and vocabularies in specific applications.

Consider claim **22**, as applied to claim **20**, **Nishidate**, as modified by **Nance et al**, discloses the claimed invention except explicitly mentioning the system comprises one of a Private Branch Exchange (PBX), Centrex system, Automatic Call Distribution (ACD) system, and Voice over Packet (VoP) system. **Bondarenko et al** disclose a telephony switch system is an ACD or PBX (paragraph 0116). It would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of a PBX, Centrex, ACD or VoP in a telephone system as taught by **Bondarenko et al**, in the system of **Nishidate** and **Nance et al**, in order to handle both multimedia and connection-oriented switched telephony.

Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishidate (JP 2002-109194 A)** in view of **Nance et al (US 2001/0043591 A1)**, as applied to claim **16**, and in further view of **Aoki (U.S. Pub 2003/0061569 A1)**.

Consider claim **18**, and as applied to claim **16**, **Nishidate**, as modified by **Nance et al**, discloses the claimed invention except explicitly mentioning the web page generator comprising a plurality of templates to generate web pages, a selection module to select a template for the web page, and a creation module to build the web page using the template and information. **Aoki** discloses a web page creation process that involves requesting a list/plurality of templates, selecting a template, and finally, creating a web page according to input data through telecommunication

machines/modules (paragraphs 0030-41; figs. 1 & 5). It would have been obvious for a person who has ordinary skills in the art at the time of the invention was made to incorporate the teachings of a web page generator as taught by **Aoki**, in the apparatus of **Nishidate**, as modified by **Nance** et al, for the purpose of easier facilitate the creation of web pages through either mobile phones or facsimile units.

Response to Arguments

1. Applicant's arguments with respect to claims **1**, **16**, **19** and **23** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. **Bhandari et al (US 2005/0141500 A1)** disclose subscriber may update and review service data via IVR

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this action is made Final. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be **brought to:**

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is (571) 270-1780. The examiner can normally be reached on Monday through Friday 8 am - 5 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

/Seema S. Rao/
Supervisory Patent Examiner,
Art Unit 2616

Xavier Szewai Wong
X.S.W/x.s.w
11th April 2008